

APR 01 2013

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
HARRISONBURG DIVISION

BY: JULIA C. DUDLEY, CLERK  
DEPUTY CLERK

UNITED STATES OF AMERICA	)	Civil Action No. 5:11-cr-00026-1
	)	
v.	)	<u>§ 2255 Order</u>
	)	
RUSSELL KINNARD HENRY, JR.,	)	By: Hon. Michael F. Urbanski
Petitioner.	)	United States District Judge

For the reasons stated in the accompanying opinion, it is hereby **ADJUDGED AND ORDERED**  
as follows:

- (1) The United States' motion to dismiss (Docket No. 84) is **TAKEN UNDER  
ADVISEMENT**, and the Clerk shall set this matter for an evidentiary hearing; and
- (2) If petitioner cannot afford counsel, he can apply to proceed *in forma pauperis* and the  
court will appoint counsel; and
- (3) The Clerk will arrange for the petitioner to appear by video-conferencing to the extent  
practicable.

The Clerk is directed to send a copy of this Order to petitioner and counsel of record for the  
United States.

ENTER: This 15<sup>th</sup> day of April, 2013.

/s/ Michael F. Urbanski  
United States District Judge